

General Rules for Boards and Commissions

City of Chula Vista

rev. 9/12

This booklet is intended to provide guidance; it is not intended to be solely relied upon for regulations and laws governing legislative bodies. For more information, please refer to the City of Chula Vista's Charter and Municipal Code, and the California Government Code.

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INTRODUCTION

Thank you for your willingness to serve your community as a member of a City Board or Commission. The City of Chula Vista has established a number of advisory bodies, each with distinct responsibilities. Advisory bodies play an important role in City governance by creating a diversified citizen-based focus into the planning process to maintain strong public interest, assisting the City Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit between citizens, City staff, and the City Council. The City Council looks forward to your contributions in working together to provide efficient municipal service responsive to local needs and expectations.

BEFORE YOU BEGIN, become familiar with:

- The duties of the board or commission you will be working with.
- The duties of each board and commission are outlined in Title 2 of the Chula Vista Municipal Code.
- The general rules for boards and commissions outlined in this summary and found in Chapter 2.25 of the Chula Vista Municipal Code, as well as any bylaws that may have been adopted by the board or commission that you will be working with.

RULES AND GUIDELINES

City Council

The primary purpose of advisory bodies is to provide judicious advice to the City Council. Advisory bodies play an important role in City government by assisting and advising the City Council in formulating and implementing policy.

Each board and commission must prepare an annual report of its activities for the City Council. This report is due to the City Clerk by July 1st of every year. A board or commission may make other reports to the City Council, either verbally or in writing, at a public session of the City Council.

Proposals, suggestions, and recommendations must be forwarded to the City Council within 10 working days of the meeting at which formal action by the board or commission has been taken.

Policy positions taken by boards and commissions are not to be presented as official policy of the City until recommended to, and approved by, the City Council.

Board and commission members may speak on behalf of their respective board or commission ONLY after a vote has been taken by that board or commission. Individual members making recommendations or expressing views that have not been approved by the board or commission must indicate that they are expressing themselves as private citizens, not as representatives of their respective board or commission.

All advisory bodies operate under the auspices of the Council and are responsible to the Council for compliance with the City's Charter, Council policies, the Municipal Code, the Brown Act, the Political Reform Act, and other applicable local, state and federal regulations.

City Staff

The staff liaisons to the boards and commissions are valuable resources. Staff is available to answer questions and follow up on items brought before the board or commission.

The City Manager appoints a staff person to serve as secretary to each board or commission. In addition to other duties, the secretary is responsible for finalizing resolutions and performing other administrative duties, as necessary.

The Director of Public Works, the City Attorney, and the Director of Planning and Building, are available to the Planning Commission.

The City Manager may make available other staff and clerical support as requested by a board or commission to fulfill its functions and duties, provided such staff and clerical support are available.

Staff persons assigned to assist boards and commissions shall not be considered voting or ex-officio members of those boards or commissions.

Public and Press

When making statements to the public or the press, board or commission members must ensure that their comments are factual and indicate that actions taken by the board or commission are “recommendations,” with final actions to be taken by the City Council. It is also important that members making recommendations or expressing views that have not been officially voted on by a majority of the board or commission indicate that they are expressing themselves as private citizens.

Members - Qualifications and Eligibility

With few exceptions, voting members of boards and commissions must be registered to vote in City of Chula Vista elections.

- An individual is eligible to serve on only one board or commission at a time.
- A salaried officer or employee of the City is not eligible to be appointed to a board or commission.
- Ex-Officio members are not entitled to vote or to make motions, and may be appointed by the City Council because of their expertise in an area that may assist a particular board or commission. Ex-officio members are not required to be registered voters and are not subject to term limits.
- Members must take the oath of office before they may participate on the board or commission, and assume their office on the date they take the oath of office.

Members' Terms

The standard term of office for board and commission members is four years, which begins July 1 and ends June 30 four years later. At the end of any voting member's term, he or she shall be permitted to continue to exercise the privileges of his or her former office until the office is filled by the appointment of a qualified successor.

- Members may be appointed to more than one four-year term, but are limited to serving as voting members for a maximum of two consecutive terms. There is, however, an exception if the member was appointed to an unexpired term with fewer than two years remaining.
- An individual who has served two consecutive terms as a voting member may be reappointed to the same board or commission after an interval of two years has passed.
- If a vacancy on any board or commission occurs prior to the expiration of a term of office for a voting member, any appointment to fill the vacancy shall be for the remaining unexpired term of office.
- A voting member who currently sits on a particular board or commission may not be appointed to fill the unexpired term of another voting member's vacated seat on that same board or commission. An individual who currently sits as an ex-officio member of a board or commission may be appointed to fill the unexpired term of a voting member's vacated seat on the same board or commission if the ex-officio member meets the eligibility criteria for voting membership.

The Chairperson

At the first regular board or commission meeting following July 1 of every year or as soon as practicable thereafter, each board or commission elects a chairperson from among its voting members. Each board and commission may also elect a vice-chairperson from among its voting members. The chairperson and any vice-chairperson elected serve for a period of one year.

- The Chairperson serves as presiding officer at meetings, encourages the input of ideas to guide discussions in a logistical and orderly fashion, and facilitates the overall decision-making process.
- The Chairperson should clarify ideas as they are discussed and repeat motions made, in order that all members fully understand the wording of the item on which they are voting. In the absence of the chairperson, the vice chairperson, if any, shall serve as presiding officer. In the absence of the chairperson and the vice chair, if any, the secretary calls the meeting to order and the voting members select a chair pro-tem from any of the board or commission's voting members for purposes of conducting business at that meeting.

Meetings

As required by the City Charter, boards and commissions hold regular meetings. With a few exceptions, as stated in the Chula Vista Municipal Code, each board or commission holds its regular meetings at least monthly. Each board or commission establishes the day, time and location for its regular meetings by written resolution, and may only amend its regular meeting time and/or location by written resolution.

- In addition to regular meetings, boards and commissions are authorized to call and hold any special meetings they deem necessary, as long as the meetings are properly noticed. No written resolution is required to call a special meeting.
- As a general rule, boards and commissions shall hold their regular and special meetings at a City facility. Boards and commissions may hold their meetings from time to time in other locations within the City, as long as meetings are properly noticed.
- All board and commission meetings shall be noticed and held in accordance with the requirements of the Brown Act.
- The secretary to the board or commission prepares minutes for every meeting.

Quorum and Voting Requirements

Unless otherwise required by state law or the Chula Vista Municipal Code, the affirmative vote of a majority of the entire voting membership (not including ex-officio members and seats that have not been filled) of any board or commission shall be necessary for it to take any action except to adjourn.

Conflicts of Interest

The Political Reform Act was enacted by the State of California by an initiative known as Proposition 9 in 1974. One of the Act's main purposes is to prevent financial conflicts of interest on the part of public officials. Voting and ex-officio members of certain boards and commissions may be required to file statements of economic interest (Form 700) as determined in the City's Conflict of Interest Code. The City Clerk will notify members who are required to file the statements.

- The state's Political Reform Act and the City's Conflict of Interest Code state that no person shall make or participate in the making of a governmental decision that he or she

knows, or has reason to know, will have a reasonably foreseeable material financial effect on him or her distinguishable from its effect on the public generally. The Political Reform Act and implementing regulations require a public official diligently to monitor his or her business interests, real property, sources of income, gifts, and personal finances to ensure that he or she does not participate in an action in which he or she has a conflict of interest.

- When a member has a conflict of interest, or the appearance of a conflict of interest, he or she must publicly state the nature of the conflict. Unless the item is on the consent calendar, the member must step down from the dais or table and leave the room until consideration of the particular item is finished. Additionally, the disqualified member may not be counted toward achieving a quorum while the item is being discussed. A member may consult the City Attorney if he or she has a question about whether or not a conflict exists and whether or not he or she should disqualify himself or herself from discussing or voting on an issue.

Agendas/Agenda Packets

Agendas must be prepared for all meetings in accordance with Brown Act requirements.

- Items may be placed on the agenda by the chairperson, by majority vote of the members, or by City staff.
- The secretary for each board or commission prepares meeting agendas in consultation with the chairperson, and forwards the agenda and supporting documents to members in sufficient time for their review.
- The board or commission secretary forwards agendas to the Mayor, City Council, City staff designated to assist a particular board or commission, and individuals who have submitted a written request for meeting information.

Meeting Cancellation

A meeting may be cancelled because of a lack of a quorum of voting members or the lack of agenda items.

- If the board or commission secretary has advance notice that a meeting will not be held, the secretary posts a notice of cancellation in lieu of posting or mailing an agenda for the meeting.
- If a quorum of voting members cannot be assembled on the date and at the time a meeting was scheduled to be held, the secretary shall declare the meeting cancelled and post a notice of cancellation of the meeting on the door of the room where the meeting was to be held.

Appointment of Subcommittees

Boards and commissions may appoint subcommittees that they deem appropriate to provide advice on any matter within the jurisdiction of the particular board or commission.

- Subcommittees may be composed of board or commission members, as well as other residents appointed by the particular board or commission. The chairperson of any subcommittee shall be a voting member of the board or commission that established the subcommittee.
- Meetings held by a standing subcommittee must adhere to Brown Act requirements, and may not hold closed sessions.

- The role of any subcommittee is to provide expertise and advice to board and commission members only. Subcommittee members do not advise the City Council directly.
- Subcommittee members may not speak on behalf of the board or commission without prior approval of a majority of the members of the board or commission.

Gifts, Grants, and Contracts

A Board or commission may not accept gifts or grants from any source absent approval from the City Council. A board or commission may not commit or attempt to commit the City to any contract or other agreement without first obtaining authority from the City Council to do so.

Compensation and Expenses

Members of boards and commissions shall serve without compensation for their services.

- Members of boards and commissions may receive reimbursement for necessary travel and other expenses incurred on official duty to the extent that appropriations for such expenses have been approved by the City Council in the budget for the board or commission.

Business Cards

Members of boards and commissions are authorized to use business cards showing their affiliation with their particular board or commission only if they are used in relation to the duties and functions of the particular board or commission.

- Business cards must be purchased with City funds, and only if appropriations have been approved by the City Council in the budget for the board or commission.

Bylaws

Boards and commissions may adopt bylaws governing the internal conduct of their affairs.

- The bylaws must be consistent with the City Charter, the Municipal Code, and applicable state law and shall include the method for their amendment. The original bylaws and any amendments to the bylaws shall be delivered to the City Clerk for preservation.

Attendance

Regular attendance at meetings is critical to the effective operation of boards and commissions. The City Council relies on advice of the City's boards and commissions that grows from discussions among appointed members. The City Council anticipates that members appointed to the City's boards and commissions will make every reasonable effort to attend all regular meetings of their respective boards or commissions, to attend special meetings, and to be prepared to discuss matters on their respective agendas.

- The absence by a board or commission member of three consecutive, regular meetings will be deemed to have vacated his or her membership on the particular board or commission, unless his or her absence is excused by a majority vote of the other members, as reflected in the official minutes of the board or commission.
- Board and commission members, by a majority vote, may excuse a fellow board or commission member's absence from meetings for any of the following reasons:
 1. Illness of the member, family member of the member, or personal friend of the member;
 2. Business commitment of the member that interferes with the attendance of the member at a meeting;

3. Previously scheduled vacation of the member, notice of which was provided to the respective board or commission in advance of the meeting;
 4. Attendance of the member at a funeral, religious service or ceremony, wedding, or other similarly significant event; or
 5. Other reason for which the member has given notice to the chairperson or secretary of his or her unavailability 15 days in advance, as long as the unavailability is not expected to last for longer than 30 days.
- A Council subcommittee comprised of the Mayor and Deputy Mayor shall monitor the attendance records of board and commission members submitted by board and commission chairpersons pursuant to Chula Vista Municipal Code section 2.25.290. The subcommittee may make recommendations to the full Council for a vote on the removal of a member for cause. A voting or ex-officio member may be removed for cause by three affirmative votes of the City Council.

Vacancies

The chairperson of each board or commission shall notify the City Clerk in writing, or cause the City Clerk to be notified in writing, if a voting or ex-officio member appears to have abandoned his or her office on the board or commission. Examples of abandonment include:

- A member's absence from three regular, consecutive meetings of the board or commission without being excused by a majority vote of the board or commission as expressed in its official minutes.
- A member's absence from more than 50% of the board or commission's regularly scheduled meetings in one calendar year, whether excused or unexcused.
- A member's failure to attend mandatory training sessions.

If an unexpected vacancy occurs for a reason set forth in Municipal Code, Chapter 2, Section 25.020, the City Clerk shall post a notice of vacancy and notify the City Council so that action can be taken to fill the vacancy.

Mandatory Training Sessions

Board and Commission members are required to attend periodic training sessions on ethics laws as specified in California Government Code §53234. Board and commission members shall participate in mandatory training sessions in the first year of appointment to their particular board or commission, and at least once every two years thereafter. The City Attorney or his or her designee will provide sufficient opportunities to board and commission members to allow them to fulfill this requirement. The City Attorney or his or her designee shall monitor members' attendance at mandatory training sessions within the required time period. The City Attorney or his or her designee shall notify the City Clerk, who shall notify the Mayor, if a member fails to attend mandatory training sessions within the required time period.

- Board and commission members may be required to attend periodic additional training sessions on the City's Code of Ethics, Brown Act requirements, sexual harassment laws and policies, and other laws or City policies as may be determined. The secretary of each board or commission shall be responsible for notifying members in writing of dates, times and locations of training sessions.

Code of Ethics

Voting and ex-officio members of boards and commissions are public officials and, therefore, act as agents for the public's purpose and hold office for the public's benefit. As public officials, they are bound to uphold the law, observe in their official acts a high standard of morality and discharge faithfully the duties of their office, recognizing that the public interest must be a primary concern. Members of boards and commissions are expected to conform to the City's Code of Ethics, found in the Chula Vista Municipal Code. If a board or commission member is in doubt about whether the Code of Ethics applies to a particular situation, the member may request in writing an advisory opinion from the Board of Ethics.

The Ralph M. Brown Act

Political accountability is essential to responsible government. To help ensure accountability, the "Brown Act" was passed by the State Legislature and requires, "All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meetings of the legislative body of a local agency..." The law prohibits closed or secret meetings except under very special circumstances. The City Council takes this matter very seriously, and insists that the "public business" be done in an open forum. It is essential that no perception to the contrary be conveyed.

The Brown Act also establishes requirements for advance notice and a posted agenda before regular meetings take place. Furthermore, no action may be taken on an item at any meetings without a quorum present.

Purpose

The Act represents the Legislature's attempt to balance the need of the public to have access to meetings of public bodies with the needs of the public bodies for confidential candor, debate and information gathering.

Scope

All meetings of "legislative bodies" of local agencies shall be open to the public – includes council, boards, and commissions.

Exceptions to Public Meetings

Public bodies can meet in closed session for certain limited purposes. Closed sessions are permissible only if expressly authorized by statute.

Meeting

Any gathering of a majority of the members of a body to receive information, hear a proposal, discuss an issue, or take any action.

Specific Meeting Types

Informal gatherings, conferences and retreats, meetings of other public bodies, pre-meetings, standing committees.

Serial Meetings

A series of communications, each of which involves less than a quorum of the public body, but which taken as a whole involves a majority of the body's members and seeks to develop a consensus on an issue. Examples:

- Conversations which advance or clarify a member's understanding of an issue.
- Discussions that facilitate an agreement or compromise among members.
- Discussions that advance the ultimate resolution of an issue.

Noticed Meetings

All meetings must be noticed. The notice must contain time and place of the meeting and include an agenda.

SB 343 provides that when a writing relating to an agenda item for an open session of a regular meeting of a legislative body is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection upon request, without delay.

Agenda Requirements

Agendas must be posted 72 hours prior to a meeting, with a brief description of all items to be discussed or acted on by the public body.

Exceptions to Agenda Requirements

Non-agenda items may be discussed if:

- A majority vote of the members determines that the matter is an emergency.
- The body determines the need for immediate action cannot wait for the next regular meeting.
- The item was continued from a previous meeting and the second meeting is held within 5 days of the first.

Public Comment

Every agenda must give the public an opportunity to comment on any matter within the body's jurisdiction; the public must have an opportunity to comment on any item being considered by the body, and; the agenda may establish procedures for public comment.

Miscellaneous

Secret ballots are prohibited; persons who willfully cause disruption of a meeting may be excluded; the body may not prohibit any person attending the meeting from video recording, audio recordings or broadcasting the proceedings, unless a finding is made that such activity would disrupt the proceedings.

Member Comments

Members are permitted to make a brief announcement or report on his/her own activities; request staff report back on an issue; direct staff to place an item on a future agenda.

Penalties

- Criminal Penalties – against members in attendance at a meeting where action taken in violation of act.
- Civil Remedies – Injunction, mandamus or declaratory relief to prevent or stop violations. Action to void past acts taken in violation of act.
- Awards – Costs and attorney fees.

CONCLUSION

The City Council would like to thank you for accepting this position and for devoting your time and effort to become actively involved in the affairs of this community. We sincerely hope that you will enjoy your participation in the governing process in the City of Chula Vista as a member of one of its advisory bodies, and you will feel free to call upon any of its representatives for advice, background information, or assistance.

Office of the City Clerk

Donna R. Norris, CMC, City Clerk
(619) 691-5041 | dnorris@chulavistaca.gov

Kerry K. Bigelow, Senior Deputy City Clerk
(619) 407-3590 | kbigelow@chulavistaca.gov

*Making a difference takes heart...
Volunteers have heart.*